

LEGAL FOUNDATION

Section 65101 of the Government Code of the State of California, Section 41(c) of the Charter of the City of San Diego, Section 103.0101 of the San Diego Municipal Code as well as several related City Council Policies give authority to the preparation of Community Plans. The Mission Beach Precise Plan (Plan) has been prepared in conformance with these enabling laws.

The Plan has been prepared to serve as a guide for future public and private development within the community. Once this Plan is adopted by the City Council, any amendments, additions or deletions will require that the Planning Commission and City Council follow the same procedure of holding public hearings as was required in the initial adoption of the Plan. While this Plan sets forth many proposals for implementation, it does not establish new regulations or legislation, nor does it rezone property. However, it must be clearly pointed out that adoption of this Plan will require subsequent public hearings to be held to determine whether or not to rezone property so that it is consistent with Plan proposals. This requirement for consistency between Zoning Regulations and adopted plans is set forth within Assembly Bill 1301, passed by the state legislature in November, 1971. Finally, the amendment of other City Ordinances such as subdivision, housing, building or other development controls must also be enacted separately through the regular legislative process.

Proposals within this Plan have been coordinated with the Progress Guide and General Plan for the City of San Diego (General Plan) and the Mission-Pacific Beach Community Plan. It is felt, from the studies that have been undertaken, that a harmonious relationship exists with respect to the general goals and policies of community and citywide significance. Should differences occur in the future regarding proposals contained in this Plan and the Mission-Pacific Beach Community Plan or the City's General Plan, they may be resolved during the course of the concurrent hearings held at the time of the amendment of this or the Mission-Pacific Beach Community or General Plan. This procedure is in accordance with City Council Policy 600-7. It should be also pointed out that the periodic comprehensive review of the General Plan may produce recommendations for changes in this Plan. Again, the normal procedures for legislative actions, including public hearings, must be followed before changes to these documents can be accomplished.

The preparation of this Plan also considered the area's relationship to the surrounding City plan for Mission Bay Park. As a result, a harmonious relationship exists between these two areas of concern.